

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
Harrisonburg Division**

In re:

Adan Romero, Sr.

Case No. 16-50050-RBC

Debtor.

Chapter 13

Bayview Loan Servicing, LLC as servicer for  
the Mortgagee of record,

Plaintiff,

v.

Adan Romero, Sr.  
and  
Herbert L. Beskin, Trustee,

Defendants.

**CONSENT ORDER MODIFYING AUTOMATIC STAY**

This cause came upon Plaintiff's Motion for Relief from Stay to proceed against the following described collateral securing its loan to Debtor: a 1933 Willow Hill Drive, Harrisonburg, Virginia 22801.

**UPON CONSIDERATION WHEREOF**, it appearing (1) that Debtor is in default in the making of the February 1, 2016 through June 1, 2017 post petition payments due Plaintiff, which payment arrearages, together with attorney's fees (\$850.00) and costs (\$176.00), result in post

Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
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Counsel for Plaintiff

petition arrearages totaling \$12,396.35, (2) that Debtor consents to the entry of this Order, and for other good cause shown, it is

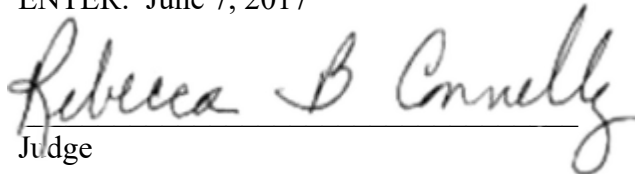
**ADJUDGED and ORDERED** the automatic stay shall continue in effect subject the following conditions:

1. Debtor shall cure the post petition arrearage currently due to the movant by filing a Modified Chapter 13 plan that provides for payment of the above-stated arrearage through the Chapter 13 Trustee; and thereafter, the movant will amend its proof of claim to include the above-stated arrearage.
2. The Modified Chapter 13 plan shall also bring the future monthly mortgage payments into the plan to be paid by the Chapter 13 Trustee.
3. The above-described Modified Chapter 13 plan shall be filed not later than 21 days following the entry of this Order.
4. In the event that Debtor fails to make payments as required by the anticipated Modified Chapter 13 plan and if any such payment is not received within thirty (30) days of its due date, then Plaintiff may serve a Notice of Default on Debtor, Debtor's counsel, the Trustee, and the Court, and if Debtor fails to cure the default or request a hearing within 15 days after the date of service of such Notice, then Plaintiff may submit a separate Order granting the requested relief, which Order shall be entered without further hearing.
5. Upon entry of an Order granting relief from the automatic stay of 11 U.S.C. §362, the Trustee will immediately cease making any payments on Plaintiff's secured claim which were required by the plan. Any amended unsecured claim for a deficiency must be filed by Plaintiff within 180 days from the date on which the Order lifting stay is entered, or such claim shall be forever barred. Any filed deficiency claim must include an accounting showing how the deficiency

was calculated.

6. If relief from the automatic stay becomes effective under the terms of this Order, such relief shall be binding and effective despite any conversion of this bankruptcy case to a case under any other Chapter of Title 11 of the United States Code.

ENTER: June 7, 2017

  
Judge

I ask for this:

/s/ Sara A. John p.q.  
Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
Counsel for Plaintiff

Seen and agreed:

/s/ Janice Hansen, by Sara A. John, with express authority  
Janice Hansen  
Counsel for Debtor

Seen:

/s/ Herbert L. Beskin, by Sara A. John, with express authority  
Herbert L. Beskin  
Chapter 13 Trustee

In accordance with Local Rule 9072-1 the following is a list of all parties who are to receive notice of the entry of the foregoing Order: Sara A. John, M. Richard Epps, P.C., 605 Lynnhaven Parkway, Virginia Beach, VA 23452; Adan Romero, Sr., 1933 Willow Hill Drive, Harrisonburg, VA 22801; Herbert L. Beskin, Trustee, P.O. Box 2103, Charlottesville, VA 22902; and Janice Hansen, Attorney for Debtor, 900 Lakeside Drive, Lynchburg, VA 24501.

Certificate of Endorsement

The undersigned does certify that all necessary parties have endorsed the foregoing Order.

/s/ Sara A. John

Sara A. John

M. Richard Epps, P.C.